

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

| | | |
|-----------------------------|---|----------------------------|
| JESSE NEWBY, |) | |
| |) | |
| Plaintiff, |) | |
| |) | Cause No. 1022-CC12331 |
| v. |) | (St. Louis City) |
| |) | |
| WYETH, INC, <i>et al.</i> , |) | Case No. 4:11-cv-00339-AGF |
| |) | |
| Defendants. |) | |

PLAINTIFF'S MOTION TO REMAND

COMES NOW Plaintiff, pursuant to 28 U.S.C. §1447 and hereby moves this Court for an Order remanding the instant actions back to the Circuit Court, City of St. Louis, Missouri, the original venue from which this case was removed pursuant to Wyeth LLC f/k/a Wyeth, Inc.'s ("Wyeth") Notice of Removal filed on or about February 23, 2011. Plaintiff's motion for remand should be granted for the reasons set forth in the accompanying memorandum of law in support of this motion.

Respectfully submitted,

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ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 25th day of March, 2011, the foregoing was filed via the ECF/CM system with the Clerk of the Court and served upon counsel of record via email through the Court's ECF/CM system by means of the Notice of Electronic Filing.

/s/ Elizabeth M. Wilkins
Attorney for Plaintiff

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WYETH, INC, *et al.*,) Case No. 4:11-cv-00339-AGF
)
Defendants.)

[PROPOSED] ORDER

On motion by Plaintiff, the Court having considered the arguments of counsel and being otherwise sufficiently advised, Plaintiff's Motion to Remand is hereby GRANTED, and the Clerk is directed to remand this action to the Circuit Court, City of St. Louis, Missouri, Cause No. 1022-CC12331.

JUDGE
United States District Court
Eastern District of Missouri, Eastern Division